

**TOWN OF BENNETT, COLORADO**  
**BOARD OF TRUSTEES**  
**Regular Meeting**  
**May 13, 2014**

---

**1. CALL TO ORDER**

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, May 13, 2014 at the Bennett Town Hall, 355 4<sup>th</sup> Street, Bennett, Colorado. Mayor Sue Horn called the meeting to order at 7:04 p.m. The following persons were present upon the call of the roll:

Mayor: Sue Horn

Trustees Present: Charles Bayley  
Grider Lee  
Jim Pieters  
Royce Pindell – *Absent*  
Eric Ricke  
Larry Vittum

Staff Present: Sam Light, *Town Attorney, Light, Kelly, P.C.*  
Trish Stiles, *Town Administrator*  
Lynette White, *Town Clerk*

Public Present: Stephanie MacLennan, Linda Burry, Kathy Catalfano, Debbie Tapparo, Brenda Trupp, Wilma Rose, Steve Dazzio, Carol Swanson, Abbie Mitchell, Steven Vetter, Kim Hudson, Chris Raines, Korrie Babi

**2. APPROVAL OF AGENDA**

TRUSTEE BAYLEY MOVED, TRUSTEE VITTUM SECONDED to Remove 3. Consent Agenda, A. Approval of Minutes, 1. April 22, 2014. The agenda was approved as revised. The Mayor declared the motion carried by unanimous vote.

**3. CONSENT AGENDA**

TRUSTEE BAYLEY MOVED, TRUSTEE LEE SECONDED to approve the Consent Agenda as amended. Voting was as follows:

YES: Bayley, Lee, Horn, Pieters, Ricke, Vittum

NO: None

ABSENT: Pindell

The Mayor declared the motion carried by unanimous vote.

**A. Approval of Minutes**

1. Action: Approve regular meeting minutes of April 8, 2014

**B. Approval of Check Run(s)**

1. Action: Approve check run of May 7, 2014

**4. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Wilma Rose, Candidate for Adams County Commissioner in District 5 introduced herself to the Board and community and discussed her background.

Brenda Trupp, provided information on the Movie Nights in Trupp Park, which will take place this summer beginning May 30, 2014. Ms. Trupp stated there is a need for assistance with advertising and inquired if the Town of Bennett could participate in those efforts. Town Staff will review how assistance may be provided to promote this community event.

**4. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA - continued**

Steven Vetter, I-70 Scout, introduce intern Abby Mitchell to the Board. Ms. Mitchell may be in attendance at future Board meetings.

**5. REGULAR BUSINESS**

**A. Action/Discussion Items**

**1. Case No. 14.07TU – Temporary Use Permit for Bennett Parks and Recreation District Used Car Sales**

Melissa Kendrick, Town Planner, presented the Bennett Park and Recreation District Temporary Use Permit request for a Used Car Sales Event with the following recommendations;

The application has complied with all necessary application requirements for a temporary use permit and staff believes that the above findings have been satisfied. Staff is waiting on verification that letters were mailed to adjacent property owners; however, this notification is not required as part of a temporary use process but one practiced by the Town so that affected property owners are aware of a potential impact. Additionally, staff directed the applicant to contact the Sheriff's Department and the Fire District directly to ensure all necessary coordination for the event and mitigate any negative impacts. Staff will ensure there are not outstanding issues prior to the public meeting on May 13<sup>th</sup>. Staff has attached a draft of the TU Permit document that specifies conditions which include the need for liability insurance that covers the Town of Bennett during the event. The Town is requesting this because the Bennett Rec District property is owned by the Town. At the time this staff report is written, the insurance policy has not been submitted to the Town, and staff will verify receipt of the insurance at the time of the public meeting.

While the Zoning Administrator has the authority to approve temporary use permits, BMC § 16-10-220(d) allows the Zoning Administrator to "push up" the temporary use application to the Board of Trustees to either approve or deny the application. The Zoning Administrator is recommending the Board of Trustees review this application in a public meeting because the BMC § 16-7-40(b)(4) states that outdoor automobile sales (new and used cars) are prohibited in the PD Zone District or PD Overlay District "unless specifically approved by the Board of Trustees." Staff is recommending approval of the TUP based upon the findings in this staff report with the following conditions of approval:

1. The District shall at its expense obtain, carry and maintain during the term of the Event a policy of comprehensive public liability insurance in an amount of not less than the limits set forth in the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq. The Town, its officers and employees shall be named as additional insured.

**Resolution No. 564-14 – A Resolution Approving a Temporary Use Permit for the Bennett Park and Recreation District for a Temporary Used Car Sales Event**

TRUSTEE LEE MOVED, TRUSTEE PIETERS SECONDED to approve Resolution No. 564-14, a resolution approving a temporary use permit for the Bennett Park and Recreation District for a Temporary Used Car Sales Event with the conditions as noticed in Exhibit A. Voting was as follows;

YES:	Bayley, Lee, Horn, Pieters, Ricke, Vittum
NO:	None
ABSENT:	Pindell

The Mayor declared the motion carried by unanimous vote.

**2. JaGee Properties – Intergovernmental Agreement with the Town of Bennett**

**Resolution No. 565-14 – A Resolution Approving a Water and Sewer Service Agreement, including Grant of Easement with JaGee Properties, LP**

TRUSTEE BAYLEY MOVED, TRUSTEE LEE SECONDED to approve Resolution No. 565-14, a resolution approving a water and sewer service agreement, including grant of easement with JaGee Properties, LP. Voting was as follows;

YES: Lee, Horn, Pieters, Vittum, Bayley

NO: Ricke

ABSENT: Pindell

The Mayor declared the motion carried by a vote of 5 to 1.

**5. TOWN STAFF REPORTS**

**Town Clerk**

Lynette White, Town Clerk, presented the following;

- JD'S Country Pawn Ribbon Cutting, May 15, 2014
- IIMC Conference Attendance, May 18 – May 23, 2014
- CIRSA 2015 Property Casualty Review
- Memorial Day Activities
- Town Board Retreat, May 31, 2014

**Town Administrator**

Trish Stiles, Town Administrator, reviewed the following;

- Town Board Retreat
- Colorado Municipal League Executive Committee Meeting, July 11 12, 2014
- Municipal Clerks Week
- Responded to questions regarding Recall Election costs

**6. TRUSTEE COMMENTS/COMMITTEE REPORTS**

**Charles Bayley**

Trustee Bayley discussed the arrangements under way for the Colorado Municipal League Executive Committee Meeting, to be hosted by the Town of Bennett, July 11 – 12, 2014.

**Sue Horn**

Mayor Horn reviewed the following;

- Legislative update
- REAP Meeting at Front Range Airport
- Metro Mayors Caucus update
- Water Committee Meeting update

7. EXECUTIVE SESSION

1. For the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); – *Antelope Hills Bond Restructure*

TRUSTEE BAYLEY MOVED, TRUSTEE RICKE SECONDED to go into executive session For the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); and the following additional details are provided for identification purposes - *Antelope Hills Bond Restructure*

The Mayor declared a meeting recess at 8:47 p.m. to allow the public to leave the room. The Executive Session was resumed at 8:59 p.m.

The Mayor declared the motion carried by unanimous vote. The Board went into executive session at 8:59 p.m.

The Board came out of executive session at 10:40 p.m. The Mayor announced that the Board had been in executive session and the following persons participated in that session: Charles Bayley, Sue Horn, Grider Lee, Jim Pieters, Eric Ricke, Larry Vittum, Jim Manier, Sam Light, Trish Stiles and Lynette White. The Mayor asked if there were any matters not included in the motion for an executive session or violations of the Open Meetings Law, and if so, that these concerns be stated for the record. No concerns were presented.

Due to a prior commitment, Trustee Ricke was excused from the executive session at 9:39 p.m.


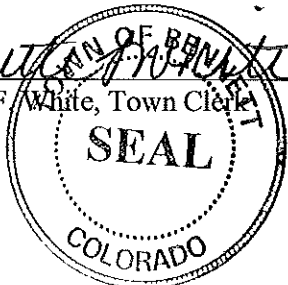
The Board of Trustees returned to the open meeting at 10:49 p.m. and the public was invited to return to the Board Room. There were no members of the public present.

Direction was provided to Jim Manier, to contact Vectra Bank for additional information.

TRUSTEE BAYLEY MOVED, TRUSTEE LEE SECONDED the approval of expenditure to obtain a legal analysis on the bond terms for an amount not to exceed \$1500.00. The Mayor declared the motion carried by unanimous vote.

8. ADJOURNMENT

TRUSTEE VITTUM MOVED, TRUSTEE PIETERS SECONDED to adjourn the meeting. The Mayor declared the motion carried by unanimous vote. The meeting was adjourned at 10:49 p.m.

  
Lynette F. White, Town Clerk  


  
Sue F. Horn, Mayor